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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,486	02/06/2004	Willy Maurice Verbestel	555255012562	6813

7590 09/05/2008  
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EXAMINER
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SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

MAIL DATE	DELIVERY MODE
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09/05/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/773,486	<b>Applicant(s)</b> VERBESTEL, WILLY MAURICE	
	<b>Examiner</b> MOHAMMAD A. SIDDIQI	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/26/2004, 02/06/2004</u> .                                  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-27 are examined.
2. The information disclosure statement (IDS) submitted on 02/06/2004 and 11/26/2004 has been considered by the examiner.

### ***Claim Rejections - 35 USC § 101***

3. Claims 24-25 are rejected under 35 U.S.C. § 101 for being non statutory. Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101. In the specification, paragraph # 0038, "The data signal may be packetized data that is transmitted through a carrier wave or other medium across a wireless network".

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Sarkkinen et al. (US 2005/0015583) (Hereinafter Sarkkinen).

6. As per claim 1, Sarkkinen discloses a multicast content accessing method for use on a user device (UE, fig. 7), wherein a multicast service provides the multicast content (fig 7), comprising: receiving multicast service activation data over a network (fig 7, para #0004 ); generating on the user device a broadcast key (para #0022-#0026); sending from the user device the generated broadcast key over a network (para #0022-#0026); wherein the generated broadcast key indicates that multicast content is to be provided to the user device (para #0166-#0167; para #0029; para #0046; joining/activation of the transmission).

7. As per claim 2, Sarkkinen discloses the multicast content is transmitted to the user device via a unidirectional point-to-multipoint transmission (para #0012; para #0019).

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8. As per claim 3, Sarkkinen discloses the unidirectional point-to-multipoint transmission occurs over a 3G wireless network (para #0019; para #0179).

9. As per claim 4, Sarkkinen discloses the unidirectional point-to-multipoint transmission occurs within a Multimedia Broadcast/Multicast Service (MBMS) system (fig 7, Para #0210).

10. As per claim 5, Sarkkinen discloses the multicast content includes messages, text, audio, pictures, or video from a single source (para #0093).

11. As per claim 6, Sarkkinen discloses a subscription to the multicast service allows the user device to receive the multicast content (para #0120).

12. As per claim 7, Sarkkinen discloses other user devices subscribe to the multicast service (UE, fig 7, para #0034), thereby forming a multicast subscription group (para #0034); wherein a subset of user devices from the multicast subscription group are receiving the multicast content (para #0034).

13. As per claim 8, Sarkkinen discloses the broadcast key is common to all subscribers of a given multicast service and is used to access the multicast content (fig 7, para #0034).

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14. As per claim 9, Sarkkinen discloses a virtual key is provided to the user device that indicates to the user device to clear the broadcast key used to access the multicast service (para #0028, ciphering key).

15. As per claim 10, Sarkkinen discloses the received multicast service activation data activates for the user device the multicast service that provides the multicast content (para #0029).

16. As per claim 11, Sarkkinen discloses the broadcast key is generated on the user device based upon the received multicast service activation data (para #0030).

17. As per claim 12, Sarkkinen discloses the broadcast key is generated on the user device based upon a user identification key (para #0030-#0032).

18. As per claim 13, Sarkkinen discloses the broadcast key is generated on the user device based upon a user identification key and the received multicast service activation data (para #0030-#0032).

19. As per claim 14, Sarkkinen discloses the user identification key is provided to the user device at about the time when a user of the user device subscribes to the multicast service (para #0053).

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20. As per claim 15, Sarkkinen discloses the multicast service activation data is an activation key that is provided at about the time when a contract or payment is received from a user of the user device (para #0133).

21. As per claim 16, Sarkkinen discloses the multicast service activation data is different for each user of the multicast service (para #0133-#0134).

22. As per claim 17, Sarkkinen discloses the broadcast key is generated on the user device by applying a function to a user identification key and the received multicast service activation data (para 30135-#0139).

23. As per claim 18, Sarkkinen discloses the same broadcast key value is generated by user devices having different multicast service activation data (para 30135-#0139).

24. As per claim 19, Sarkkinen discloses a user device's broadcast key generation function is known to the user device but is not known to other user devices (SIM, para #0146).

25. As per claim 20, Sarkkinen discloses the broadcast key generated by the function can be changed by providing a different activation keys to the provider (para #0126).

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26. As per claim 21, Sarkkinen discloses the user device accesses different multicast services of a provider by providing different broadcast keys to the provider (para #0150; #0271; ); wherein the different broadcast keys are generated on the user device (para #0150; para #0271).

27. As per claim 22, Sarkkinen discloses the user device is a handheld wireless mobile communications device (para #0156).

28. As per claim 23, Sarkkinen discloses Computer-readable medium capable of causing a user device to perform the method of claim 1 (para #0159).

29. As per claim 24, Sarkkinen discloses a data signal that is transmitted using a communication channel (para #0153), wherein the data signal includes a broadcast key that was generated on a user device based upon a user identification key (fig 7, para #0291-#294) and multicast service activation data (fig 7, para #0291-#294); wherein the generated broadcast key indicates which multicast content is to be provided to the user device (fig 7, para #0271; para #0291-#294).

30. As per claim 25, Sarkkinen discloses the communication channel is a network, (para #0091 wherein the data signal is packetized data that is transmitted through a carrier wave across the network (para #0059; para #124).



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31. As per claim 26, Sarkkinen discloses a multicast content accessing apparatus for use on a user device, wherein a multicast service provides the multicast content (fig 7), comprising: a data storage mechanism that stores user identification key and multicast service activation data (para #0040); key generation operation instructions configured to generate on the user device a broadcast key based upon the stored user identification key and the multicast service activation data (fig 7; para #0159); wherein the generated broadcast key indicates that multicast content is to be provided to the user device (para #0166-#0167).

32. As per claim 27, Sarkkinen discloses a multicast content accessing apparatus for use on a user device (UE, fig 7), wherein a multicast service provides the multicast content (fig 7), comprising: means for receiving multicast service activation data over a network (fig 7, para #0004 ); means for generating on the user device a broadcast key (para #0022-#0026); means for sending from the user device the generated broadcast key over a network (S13, Fig 7, para #0022-#0026); wherein the generated broadcast key indicates that multicast content is to be provided to the user device (para #0166-#0167; para #0029; para #0046; joining/activation of the transmission).

### ***Conclusion***

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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U.S. Patent 6,965,579 teaches multicast service.

U.S. Patent 6,965,883

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD A. SIDDIQI whose telephone number is (571)272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad A Siddiqi/  
Examiner, Art Unit 2154